

OFFICIAL  
5/3/02

#16

**PIONEER HI-BRED INTERNATIONAL, INC.  
CORPORATE INTELLECTUAL PROPERTY DEPARTMENT**

**FAX TRANSMISSION**

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7100 N.W. 62<sup>nd</sup> Avenue  
P.O. Box 1000  
Johnston, Iowa 50131-1000

Phone: (515) 3705  
Fax: (515) 334-6883

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TO: Juliette Einsmann  
FROM: Steve Callistein  
RE: Petition to Withdraw  
DATE: May 3, 2002 FAX NUMBER: (703) 746-5142  
NUMBER OF PAGE(S) FOLLOWING THIS SHEET: 3

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**COMMENTS:**

The contents of this facsimile are or may be attorney privileged and/or confidential and are intended only for the use of the recipient identified above. If the reader of this message is not the identified recipient, or the employee or agent responsible for delivering it to the identified recipient, you are hereby notified that any dissemination or use of this communication is unlawful and strictly prohibited. If you have received this communication in error, please immediately notify the sender by telephone and return the original message to the sender at the above address via the U.S. Postal Service. Anyone so cooperating will be reimbursed for the reasonable expense incurred.

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CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THE ATTACHED PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
- OFFICE ACTION NOT RECEIVED WAS TRANSMITTED VIA FACSIMILE TRANSMISSION TO  
JULIETTE EINSMANN, AUTHORIZED OFFICER/EXAMINER, VIA FACSIMILE NUMBER (703) 746-5142,  
ON THIS 3<sup>RD</sup> DAY OF MAY 2002.



AGENT/ATTORNEY FOR APPLICANT

5/3/02

DATE

Attorney Docket No. 1095R

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Dean Della Penna	Date:	May 3, 2002
Serial No.:	09/560,761	Group Art Unit:	1655
Filed	April 28, 2000	Examiner:	Juliette C. Einsmann
For:	"PHYTYL/PRENYLTRANSFERASE NUCLEIC ACIDS, POLYPEPTIDES AND USES THEREOF"		

Assistant Commissioner for Patents  
Washington, D.C. 20231

**PETITION TO WITHDRAW HOLDING OF ABANDONMENT**  
**- OFFICE ACTION NOT RECEIVED**

1. I hereby petition to withdraw the holding of abandonment in this case, on the basis that the office Action forming the basis of the abandonment was not received.
2. I hereby state:
  - (a) The office action indicated by the Examiner as mailed on October 24, 2001 was not received.
  - (b) A search of the file jacket and the docket records in my office indicates that this Office Action was not received.
3. I attach a copy of the docket record where the non-received Office Action would have been entered had it been received and docketed.
4. As additional evidence of non-receipt of the Office Action, I also attach:

☐

Copies of records that would disclose the receipt of other correspondence mailed from the PTO on or about the mail date of the non-received Office Action that fail to disclose the receipt of the Office Action mailed on that date.

Serial No.: 09/560,761  
Group Art Unit: 1638

- ☐ Copies of records on which the Office Action would have been entered had it been received.
- ☐ Statements from the person(s) who would have handled the Office Action had it been received.
- ☐ Other:
5. In consideration of these submissions, it is respectfully requested that the holding of abandonment be withdrawn.
6. The petition fee (37 C.F.R. § 1.17(h)-\$130.00) is paid as follows:
- ☐ Attached is a ☐ check ☐ money order in the amount of \$ \_\_\_\_\_
- ☒ Authorization is hereby made to charge the amount of \$ 130.00.
- ☒ to Deposit Account No. 16-1852.
- ☒ Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

Respectfully submitted,



Steven Callistein  
Registration No. 43,525

PIONEER HI-BRED INTERNATIONAL, INC.  
Corporate Intellectual Property  
7100 N.W. 62<sup>nd</sup> Avenue  
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**Country Application**

02-May-02

**Case Number:** 1095**Country:** US**SubCase:** R**Division:** Feed Improvement

United States of America

**Title:** Phytyl/Prenyltransferase Nucleic Acids, Polypeptides and Uses Thereof**Attorneys:** SJC**Case Type:** CIP**Application Status:** Pending**Area(s):****Application Number:** 09/560,761**Filing Date:** 28-Apr-2000

WO

**Patent Number:****Issue Date:****Publication Number:****Publication Date:****Tax Schedule:** LE**Expiration Date:****Tax Start Date:****Agent:****Agent Reference Number:****Assoc. Info:****Remarks:** 28 April 2000, CIP Application, Specification and Sequence Listing sent to PTO.

1 June 2000, Assignment, Declaration and POA sent to D.Pella and S.Coughlan for execution and return.

20 June 2000, IDS filed.

7 July 2000, Notice to File Missing Parts and Official Filing Receipt issued.

19 July 2000, Assignment sent to PTO.

25 July 2000, Declaration and POA filed in Response to Missing Parts.

9 Aug 2000, Official Filing Receipt issued.

22 Aug 2000, Request for Corrected Filing Receipt sent to PTO.

11 Sept 2000, Corrected Filing Receipt issued.

26 Sept 2000, Request for Corrected Filing Receipt sent to PTO.

Assignment Recordation Date: 24 July 2000, Reel 011009, Frame 0684

23 Oct 2000, Corrected Filing Receipt issued.

31 Oct 2000, Supplemental IDS filed.

2 Nov 2000, SJC proposes abandoning US case and pursuit of continuation application to U of Nevada; requests instructions.

11 June 2001, Supplemental IDS filed.

3 July 2001, Restriction Requirement issued; claims 1-30.

27 July 2001, SJC informs inventor of restriction requirement.

1 Aug 2001, Preliminary Amendment filed in Response to Restriction Requirement.

**User ID:** Kelly Corbett**Country Application**

02-May-02

**Date Created:** 29-Apr-2000**Last Update:** 05-Aug-2001